



Attorney's Docket No. 08291-673001 / 10617P1-USw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rodney Thomas Fox et al. Art Unit : 1617
Serial No. : 09/720,942 Examiner : Shaojia A. Jiang
Filed : June 8, 2001
Title : TREATMENT OF AIRBORNE MICROORGANISMS

#15
AKO
4-15-03

BOX AF
Commissioner for Patents
Washington, D.C. 20231

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JAN 15 2003

REQUEST FOR RECONSIDERATION

TECH CENTER 1600/2900

SIR:

Receipt is acknowledged of the Notice of Improper Request for Continued Examination (RCE) mailed on 23 December 2002. Applicants hereby request reconsideration and withdrawal of said Notice.

The instant application is a National Phase filing of PCT/GB99/01979 whose International Filing Date is 23 June 1999. On 18 October 2002, Applicants transmitted a Continued Prosecution Application (CPA) Request using form PTO/SB/29. This form does not provide space to refer to an International filing date, but the International filing date was mentioned in the transmittal letter accompanying said request form.

Since the filing date associated with the U.S. Serial number is 8 June 2001, the PTO treated Applicants' CPA Request as an RCE and issued a Notice to the effect that it was an improper RCE because it was not accompanied by a "Submission" as required under 37 C.F.R. § 1.114. Applicants submit that what was filed on 18 October 2002 is a proper CPA.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

7 January 2003

Date of Deposit

Maryann White

Signature

Maryann White

Typed or Printed Name of Person Signing Certificate

The applicable Rule is 37 C.F.R. § 1.53(d)(1) which reads, in pertinent part:

(1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:

(i) The prior nonprovisional application is:

(A) ...;

(B) ...; or

(C) The national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000, and is in compliance with 35 U.S.C. 371; and

(ii) The application under this paragraph is filed before the earliest of:

(A) Payment of the issue fee on the prior application, unless a petition under § 1.313(c) is granted in the prior application;

(B) Abandonment of the prior application; or

(C) Termination of proceedings on the prior application.

Applicants' International filing date is prior to 29 May 2000.

Accordingly, it is requested that the Notice of Improper Request for Continued Examination be rescinded and that this application proceed as a Continued Prosecution Application (CPA).

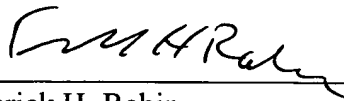
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It is believed that no fee is due in connection with this Request for
Reconsideration but any fees should be charged or credited to Deposit Account
No. 06-1050.

Respectfully submitted,

Date: 7 Jan. 03



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